

# **EXHIBIT 13**



**Kilpatrick Townsend & Stockton LLP**  
ktslaw.com

Suite 3700, 1420 Fifth Avenue  
Seattle, WA 98101

August 16, 2024

direct dial 206 224 2857  
direct fax 206 299 3458  
dmachleidt@ktslaw.com

*Via Email to dmcp@mail@merchantgould.com*

Donald R. McPhail  
Merchant & Gould  
1900 Duke St #600,  
Alexandria, VA 22314

Re: *Valve Corp. v. Leigh Rothschild et al.*, No. 2:23-cv-1016 (W.D. Wash.)

Counsel:

Defendants have missed multiple discovery-related deadlines without explanation for their failure to comply with the Federal and Local Rules. Most recently, Valve served its first set of interrogatories and document requests on July 9, 2024, making Defendants' responses due on August 8. Defendants, however, served responses to Valve's first set of interrogatories on August 12 (four days late). To date, only a subset of the Defendants—Display Technologies ("Display Techs."), Rothschild Broadcast Distribution Systems ("RBDS"), and the Meyler Defendants—have responded to Valve's first set of document requests yet only did so on August 14 (six days late). Leigh Rothschild and Patent Asset Management ("PAM") still have not served responses to Valve's first set of document requests. To avoid any doubt, Defendants' decision to ignore discovery deadlines means they have waived any and all objections to Valve's discovery requests.

As of today, your clients have missed the following deadlines without explanation: (1) serving Defendants' Initial ESI Disclosures five days late (Dkt. 51, §§ B.1-B.4); (2) serving Defendants' ESI search methodology six days late (Dkt. 51, § C.2.a.i); (3) serving Defendants' responses to Valve's first set of interrogatories four days late (Fed. R. Civ. P. 33); (4) serving Display Techs., RBDS, and the Meyler Defendants' responses to Valve's document requests six days late (Fed. R. Civ. P. 34); and (5) failing to serve any response to Valve's first set of document requests to Rothschild and PAM, which are at least eight days late as of this letter (Fed. R. Civ. P. 34). We expect you to serve Rothschild's and PAM's responses to Plaintiff's first set of document requests no later than Wednesday, August 21.

Separately, Defendants' ESI search plan and proposed search terms are facially deficient. Several of Defendants' proposed terms bear no relation to Valve's requests for production and are unlikely to identify documents "contain[ing] responsive and discoverable information" (e.g., terms 2-4, 6). Dkt. 51, § C.2.a.i. Defendants also arbitrarily propose to search for documents containing the names of some Defendants but not others (e.g., "Patent Asset Management or PAM", Meyler). In addition, Defendants did not propose any search terms containing the word "Valve," despite a number of requests to which that search term is necessary to identify responsive documents (e.g., RBDS Request Nos. 1, 14, 27). Please propose revised search terms by Wednesday, August 21, so that Valve can properly evaluate Defendants' search plan and

Donald R. McPhail  
August 16, 2024  
Page 2

determine what, if any, additional terms it proposes to use. If you refuse this request, let us know when you can meet and confer next week.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dario A. Machleidt', with a stylized, flowing script.

Dario A. Machleidt